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BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT  
OF THE STATE OF CALIFORNIA

In the Matter of:	) CDDTL License No.: 100-3162
	)
THE COMMISSIONER OF BUSINESS	) DESIST AND REFRAIN ORDER PURSUANT
OVERSIGHT OF THE STATE OF	) TO CALIFORNIA FINANCIAL CODE
CALIFORNIA,	) SECTION 23050; and
	)
Complainant,	) CITATION PURSUANT TO CALIFORNIA
	) FINANCIAL CODE SECTION 23058
v.	)
	)
JINESH TALSANIA, d.b.a.,	)
MONEY MALL POMONA,	)
	)
Respondent.	)

The Complainant is informed and believes and based on such information and belief, alleges and charges the Respondent as follows:

**I.**

**FACTUAL BACKGROUND**

1. Jinesh Talsania, d.b.a. Money Mall Pomona (“Money Mall”) is a deferred deposit transaction originator licensed by Complainant, the Commissioner of Business Oversight (“Commissioner”) pursuant to the California Deferred Deposit Transaction Law (“CDDTL”) (Fin. Code § 23000 et seq.). On or around May 2, 2006, Money Mall was issued license number 100-3162

1 to conduct business as a deferred deposit transaction originator at 1180 E. Philadelphia, #3, Pomona,  
2 California 91766.

3 2. At all relevant times herein, Jinesh Talsania is the sole proprietor of Money Mall.

4 3. On or around July 16, 2013, the Commissioner commenced a regulatory examination  
5 of Money Mall pursuant to Financial Code section 23046.

6 4. Pursuant to Financial Code section 23001, subdivision (a), “deferred deposit  
7 transaction” (commonly referred to as “payday loans” or “payday advances”) means a transaction  
8 whereby a person defers depositing a customer’s personal check until a specific date, pursuant to a  
9 written agreement for a fee or other charge.

10 5. From at least May 2, 2006 through at least July 16, 2013, Money Mall engaged in the  
11 business of deferred deposit transactions.

12 6. During the regulatory examination of Money Mall it was disclosed that on November  
13 20, 2012, Money Mall sold 20 deferred deposit transactions totaling \$5,258.00 in uncollected check  
14 amounts to an unaffiliated entity, KBS Services, LLC, pursuant to a “Contract for purchase”  
15 (“Contract”). The Contract stated that KBS Services, LLC shall pay Money Mall \$500.00 for the  
16 “total amount of 20 purchased accounts.” The “Purchase List” listed 20 accounts and included the  
17 borrowers’ names, amounts ranging from \$115.00 to \$300.00, and due dates ranging from December  
18 29, 2008 through April 19, 2012.

19 7. On or around July 16, 2013, Money Mall did not have an original or an exact copy of  
20 the following records for any of the 20 deferred deposit transactions that were sold to KBS Services,  
21 LLC on November 20, 2012: deferred deposit transaction agreement; evidence of the check; written  
22 disclosure(s) used to provide notice in compliance with subdivision (c) of Section 23035 of the  
23 Financial Code; record of any and all extensions of time or payment plans for repayment of an  
24 existing deferred deposit transaction; record of time periods for each transaction; record of  
25 transaction fees and charges; and record of transaction payments.

26 8. California Code of Regulations, title 10, section 2025, subdivision (c) requires each  
27 licensed business location for each deferred deposit transaction to maintain at least the following: the  
28 deferred deposit transaction agreement; evidence of the check; written disclosure(s) used to provide

notice in compliance with subdivision (c) of Section 23035 of the Financial Code; record of any and all extensions of time or payment plans for repayment of an existing deferred deposit transaction; record of time periods for each transaction; record of transaction fees and charges; and record of transaction payments.

9. California Code of Regulations, title 10, section 2029 requires that “whenever any deferred deposit transaction is sold, transferred or assigned to an unaffiliated entity, the deferred deposit originator relinquishing the deferred deposit transaction shall maintain at its licensed location the original or an exact copy of the deferred deposit transaction agreement and all papers and other documents relating to such transaction, including evidence of the check, as provided by the law.”

10. Financial Code section 23024 requires that all records be kept for two years following the last entry on a deferred deposit transaction and shall enable an examiner to review the recordkeeping and reconcile each consumer deferred deposit transaction with documentation maintained in the consumer’s deferred deposit transaction file records. As such, Money Mall was required to keep all such records pertaining to the 20 deferred deposit transactions that were sold to KBS Services, LLC on November 20, 2012 until at least November 20, 2014.

11. For at least 20 deferred deposit transactions for which the date of last entry was November 20, 2012 pursuant to the Contract for their sale to KBS Services, LLC, an unaffiliated entity, Money Mall failed to maintain an original or an exact copy of the minimum required documents for each deferred deposit transaction pursuant to California Code of Regulations, title 10, section 2025, subdivision (c), and section 2029, for the requisite two years following November 20, 2012, in violation of Financial Code section 23024.

## II.

### **DESIST AND REFRAIN ORDER**

The Commissioner is authorized to pursue administrative actions and remedies against persons who engage in violations of the CDDTL.

Financial Code section 23050 provides:

Whenever, in the opinion of the commissioner, any person is engaged in the business of deferred deposit transactions, as defined in this division, without a license from the commissioner, or any licensee is violating any

1 provision of this division, the commissioner may order that person or  
2 licensee to desist and to refrain from engaging in the business or further  
3 violating this division. If within 30 days, after the order is served, a written  
4 request for a hearing is filed and no hearing is held within 30 days  
5 thereafter, the order is rescinded.

6 Financial Code section 23024 provides in pertinent part:

7 Each licensee shall keep and use books, accounts, and records that will  
8 enable the commissioner to determine if the licensee is complying with the  
9 provisions of this division and with the rules and regulations promulgated  
10 by the commissioner . . . All records shall be kept for two years following  
11 the last entry on a deferred deposit transaction and shall enable an  
12 examiner to review the recordkeeping and reconcile each consumer  
13 deferred deposit transaction with documentation maintained in the  
14 consumer's deferred deposit transaction file records.

15 California Code of Regulations, title 10, section 2025 states in pertinent part:

16 (c)(1) Except as provided in subsection (e), records to be maintained at  
17 each licensed business location for each deferred deposit transaction shall  
18 include at least the following: the deferred deposit transaction agreement,  
19 evidence of the check, written disclosure(s) used to provide notice in  
20 compliance with subdivision (c) of Section 23035 of the Financial Code,  
21 record of any and all extensions of time or payment plans for repayment of  
22 an existing deferred deposit transaction, record of time periods for each  
23 transaction, record of transaction fees and charges, and record of  
24 transaction payments . . . .

25 California Code of Regulations, title 10, section 2029 states:

26 Whenever any deferred deposit transaction is sold, transferred or assigned  
27 to an unaffiliated entity, the deferred deposit originator relinquishing the  
28 deferred deposit transaction shall maintain at its licensed location the  
original or an exact copy of the deferred deposit transaction agreement and  
all papers and other documents relating to such transaction, including  
evidence of the check, as provided by the law.

29 The foregoing facts establish that Money Mall violated Financial Code section 23024 and  
30 California Code of Regulations, title 10, sections 2025 and 2029. Pursuant to Financial Code section  
23050 Money Mall is hereby ordered to desist and refrain from violating Financial Code section

23024 and California Code of Regulations, title 10, sections 2025 and 2029. This Order is necessary for the protection of consumers and consistent with the purposes, policies, and provisions of the CDDTL. This Order shall remain in full force and effect until further order of the Commissioner.

### III.

#### CITATION

For the CDDTL violations of Jinesh Talsania, d.b.a. Money Mall Pomona, the Commissioner herein issues Citation A as part of this single document:

**CITATION A** – For at least 20 deferred deposit transactions for which the date of last entry was November 20, 2012 pursuant to the Contract for their sale to KBS Services, LLC, an unaffiliated entity, Jinesh Talsania, d.b.a. Money Mall Pomona failed to maintain an original or an exact copy of the minimum required documents for each deferred deposit transaction pursuant to California Code of Regulations, title 10, section 2025, subdivision (c), and section 2029, for the requisite two years following November 20, 2012, in violation of Financial Code section 23024.

Financial Code section 23058 gives the Commissioner the authority to issue citations for the foregoing CDDTL violations. Section 23058 states:

(a) If, upon inspection, examination or investigation, based upon a complaint or otherwise, the department has cause to believe that a person is engaged in the business of deferred deposit transactions without a license, or a licensee or person is violating any provision of this division or any rule or order thereunder, the department may issue a citation to that person in writing, describing with particularity the basis of the citation. Each citation may contain an order to desist and refrain and an assessment of an administrative penalty not to exceed two thousand five hundred dollars (\$2,500). All penalties collected under this section shall be deposited in the State Corporations Fund.

(b) The sanctions authorized under this section shall be separate from, and in addition to, all other administrative, civil, or criminal remedies.

(c) If within 30 days from the receipt of the citation of the person cited fails to notify the department that the person intends to request a hearing as described in subdivision (d), the citation shall be deemed final.

(d) Any hearing under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of

Division 3 of Title 2 of the Government Code, and in all states the commissioner has all the powers granted therein.

(e) After the exhaustion of the review procedures provided for in this section, the department may apply to the appropriate superior court for a judgment in the amount of the administrative penalty and order compelling the cited person to comply with the order of the department. The application, which shall include a certified copy of the final order of the department, shall constitute a sufficient showing to warrant the issuance of the judgment and order.

Pursuant to Financial Code section 23058, Jinesh Talsania, d.b.a. Money Mall Pomona is hereby ordered to pay the Commissioner an administrative penalty of two thousand five hundred dollars (\$2,500.00) for Citation A within 30 days from the receipt of this citation.

Dated: July 15, 2015  
Los Angeles, California

JAN LYNN OWEN  
Commissioner of Business Oversight

By: \_\_\_\_\_  
MARY ANN SMITH  
Deputy Commissioner